



OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Finance

Revenue and Control Division

Notification

9-1-72-Fin (R&C) Part

THE GOA MONEY-LENDERS RULES, 2006

In exercise of the powers conferred by section 50 of the Goa Money-Lenders Act, 2001 (Goa Act, 58 of 2001), the Government of Goa hereby notifies the following draft rules, inviting objections/suggestions from the public. The objections/suggestions will have to be given within 30 days from the date of publication of the Draft Rules in the Extraordinary Gazette.

1. *Short title and commencement.*— (1) These rules may be called the Goa Money-Lenders Rules, 2006.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires:—

(a) “Act” means the Goa Money Lenders Act, 2001 (Goa Act 58 of 2001);

(b) “Form” means a form appended to these rules;

(c) “section” means a section of the Act.

(d) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. *Register of money lenders.*— The register of money-lenders as required to be maintained under section 4 of the Act shall be in Form No.1 hereto.

4. *Display of list of licensed money-lenders.*— Every Assistant Registrar shall display on a notice board in his Office a list of Money lenders licensed to carry on the business of money-lending in the area under his jurisdiction. Such list shall contain the full details of the principal place of business and of the branches thereof.

5. *Application for licence.*— (1) Every money lender shall make an application in Form II hereto for the grant of licence to the Assistant Registrar within the limits of where Jurisdiction he carries on or intends to carry on such business of money lending. The application shall be delivered at the Office of the Assistant Registrar during office hours either personally by the applicant or through an agent authorized in writing in this behalf or sent by registered post addressed to the Assistant Registrar.

(2) An application for the grant of a licence for the first time may be made not later than 30 days from the notification of Rules and an application for renewal of licence may be made on any date within three months prior to the expiry of the licence.

6. *Change in partnership or management.*— If during the currency of a licence, a new partner is taken up or a person is appointed who is

responsible for the management of the business of money-lending, the money lender shall, within seven days, from the date of taking new partner or appointing a person, as the case may be communicated to the Registrar the name of the partner so taken or of the persons so appointed; and shall satisfy the Registrar that the new partner or the person appointed is not himself disqualified from holding a licence on any of the grounds mentioned in section 9.

7. *Change of address.*— A money-lender shall communicate to the Registrar any change in his address giving full details of the new address within seven days of such change to the Registrar.

8. *Procedure for renewal of licence.*— On the receipt of an application for the grant of renewal of a licence, the Assistant Registrar shall make a summary inquiry under section 7 by examining the applicant or person responsible for the management of the business of money lending or such other persons as he may deem fit, by calling for such information from the applicant as he considers necessary and by inspecting or causing to be inspected such accounts and documents as he may deem fit in order to satisfy himself about the bonafides, and conduct of the applicant. If from the examination made or information applied, the Assistant Registrar is not so satisfied, he may take further steps to satisfy himself. The Assistant Registrar shall maintain a record of such inquiry and shall sign below the same. The record shall contain a brief memorandum of the substance of evidence taken and a summary or the conclusions regarding the facts elicited during the inquiry.

9. *Form of licence.*— The Registrar concerned shall grant licence under section 7 in Form III hereto.

10. *Manner of payment of licence fee.*— The licence fee payable under section 8 shall be paid in cash or by money order/postal order addressed to the Assistant Registrar or shall be remitted into the Government treasury or sub-treasury, and receipted challan shall be forwarded to the Assistant Registrar along with the application.

11. *Renewal of licence.*— A licence shall be renewed every year before 30th June by making an application to the Assistant Registrar in the area who have issued initial licence.

12. *Levy of inspection fee.*— On the receipt of an application for the renewal of a licence, the

Assistant Registrar to whom the application has been made shall call upon the applicant to produce his accounts for inspection. He shall then assess inspection fee payable under section 3 in respect of inspection of books of accounts and call upon the applicant to pay the inspection fee in the manner specified in rule 10. The inspection fee shall be paid within ten days of the receipt of the order in this behalf by the applicant or within such further period not exceeding thirty days in the aggregate on receipt of the order as the Registrar may grant in that behalf.

(2) The Registrar may suo motu or on an application made in that behalf review the order of assessment made under sub-rule (1) if he thinks fit.

13. *Appeal against order of Registrar refusing or cancelling a licence.*— (1) An appeal under sub-section (3) of section 9 or 10 against the order of a Registrar refusing to grant or cancelling a licence shall be instituted within thirty days from the date on which the order of refusal or cancellation is communicated to the money lender. Such appeal shall be accompanied by a certified copy of the order appealed against and shall contain in brief the grounds of the appeal.

(2) The Government shall decide the appeal after hearing the appellant or his pleader, as the case may be.

14. *Display of licence.*— Every money-lender shall exhibit his licence in a prominent place on the premises where he carries on the business of money lending. He shall also exhibit outside his premises a signboard showing (i) the name in which the business of money-lending is carried out and (ii) the number of his licence:

Provided that the Government or the Registrar of money-lenders may subject to the general or special order of the State Government, exempt any money-lender from the operation of all or any of the provisions of this rule.

15. *Issue of duplicate licence.*— (1) When a licence granted to a money lender is lost, destroyed or torn or otherwise defaced in such a manner as to render it illegible, the money lender may make an application to the Registrar for the grant of a duplicate licence.

(2) Where a duplicate licence is required on the ground that the original licence is torn or defaced,

the money-lender shall surrender the original licence to the Registrar alongwith the application made under sub-rule (1).

(3) An application under sub-rule (1) shall be accompanied by a fee of Rs. 500/-. The fee shall be paid in the manner specified in rule 10.

(4) On receipt of such application, if the Registrar after making such inquiry as may be deemed necessary is satisfied that a duplicate licence may be issued to the money-lender, he shall issue a duplicate licence and direct the Assistant Registrar to make a note of the issue of such a duplicate licence to the money-lender against his name in the register.

(5) The duplicate licence so issued shall bear on its face the number and date of original licence and shall also bear the word "Duplicate".

16. *Publication of notice inviting claims to pledged property.*— Where the property pledged by a debtor to the money-lender is taken in the custody by the Registrar under section 19 and the debtor or his known heirs cannot be traced, the Registrar shall, within ninety days from the date on which the property has come into custody, publish a notice in Form IV hereto for three consecutive days in at least two newspapers, one of which shall be in Marathi, in circulation within the jurisdiction of the Registrar inviting claims to the said property.

17. *Forms of cash book, ledger and of statement and receipt under section 24.*— The cash book and ledger to be maintained by a money-lender under sub-section (1) of section 24 shall be in Form V and Form VI respectively. The statement under clause (a) of sub-section (2) of section 24 shall be in Form No. VII hereto. The receipts under sub-sections (4) and (5) of section 24 shall be in Form VIII and IX respectively.

18. *Capital Account.*— Every money-lender shall open a capital account in Form X for the purposes of section 13 of the Act.

19. *Annual statement of accounts to be delivered by money lender to debtor, etc., under section 25.*— (1) The annual statement of accounts to be delivered by a money-lender to each of his debtors under sub-section (1) of section 24 shall be in Form XI hereto.

(2) The statement shall be furnished to each of the debtor within sixty days after the close of the

year for which the accounts of the money-lender are ordinarily maintained:

Provided that the Registrar may, on the application of money-lender extend such period in the aggregate to not more than 60 days after the close of such year, if the money-lender proves to the satisfaction of the Registrar that he was unable to furnish the statement due to some reasonable cause and that not less than two-thirds of the total amount of statements will be furnished within the said sixty days.

(3) The fee to be paid by a debtor to a money-lender for supply of a statement of accounts under sub-section (2) of section 25 shall be Rupees 10 only.

(4) The expenses to be recovered from a debtor for supply of copies of documents by a money-lender under sub-section (3) of section 25 shall be 50 paise per copy.

20. *Form of pass book.*— The pass book mentioned in sections 24 and 25 shall be either in Form No. XII or in Form No. XIII hereto.

21. *Notice and information to be given on assignment of loss.*— The notice to be given to an assignee under clause (a) the statement of information to be supplied to an assignee under clause (b) and the notice to be given to the debtor under clause (c), of sub-section (1) of section 33 shall be in the Forms Nos. XIV, XV and XVI respectively.

22. *Form of application under section 36.*— The application to be made by a debtor under sub-section (1) of section 36 shall be in Form No. XVII hereto and shall be accompanied by a court-fee of Rs. 500/-.

23. *Copies of documents on payments of fees.*— (1) Any party to any application, inquiry, or appeal under the Act before the Assistant Registrar, Registrar or Government or any person who is interested in such application, inquiry or appeal may apply to the Assistant Registrar, Registrar or Government as the case may be, for a copy of any document in the record of such application, inquiry or appeal.

(2) The application shall be accompanied by deposit of an amount to cover the cost of preparing copies according to the following scale.

(a) In the case of English copies, 5 nP. for every 25 words or fraction thereof;

(b) In the case of copies in regional languages, 5 nP. for every words or fraction thereof;

(c) In the case of certified copies, an additional 5 nP. for 100 words or fraction thereof for comparing;

(d) In the case of documents in tabular forms, twice the ordinary rate:

Provided further that a surcharge of 55 per cent, shall be levied on copying, comparing and translation fees and added to the total charges for the preparation of certified copies.

(e) When the description of the document given in the application is incorrect or deficient, and it shall in consequence be necessary for the Record keeper to search his records in order to find it, a fee at the rate of one rupee for each year, of which the records are searched shall be payable by the applicant for such search, whether the document be found or not and whether the copy for which he applies, on examination of the said document, be granted or not.

(3) The amount calculated according to the above scale shall be retained by the Assistant

Registrar, Registrar or Government to whom the application for grant of copies is made, as copying fees and the surplus amount, if any, deposited by the person applying for copies shall be refunded to him at the time of supplying the copy provided that the person applying for copies shall, if the amount deposited by him is not sufficient to cover copying fees, pay the deficit before taking delivery of the copy.

24. *Forms of summons.*— The summons to be issued for enforcing the attendance of any person under section 17 in connection with an inquiry under section 7 shall be in Form No. XVIII and XIX hereto as the case may be.

Form - I	Form - VII	Form - XIII
Form - II	Form - VIII	Form - XIV
Form - III	Form - IX	Form - XV
Form - IV	Form - X	Form - XVI
Form - V	Form - XI	Form - XVII
Form - VI	Form - XII	Form - XVIII

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary
Fin(Budget-I).

Porvorim, 26th October, 2006.

FORM I

(Rule 3)

Register of Money-lenders

Office of the Assistant Registrar of ----- Taluka ----- District

Sr. No.	Name, father's or husband's name, surname, and full residential address of the money-lender	Name, father's name, surname & full residential address of the person or persons responsible for the management of the business, if any	Full details of the principal place of business and of the branches thereof	Date & Serial No. of previous licence, if any	Date of the issue of the present licence	Serial No. of application
1	2	3	4	5	6	7

Cancellation of licence under section 10 if any, with date & particulars	Orders of appellate authority, if any	Particulars of cancellation or suspension of licence under section 20 disqualification under section 9	Number of duplicate licences issued with dates	Signature of Assistant Registrar	Remarks
8	9	10	11	12	13

1. In the case of an Undivided Hindu Family, column 2 should show the full name and full residential address of the manager and adult coparceners of such family in the case of company, the column 2 should show full names and full residential addresses of its directors and manager or principal officers and in respect of unincorporated body of individuals, the full names and full residential addresses of all individuals.

2. When filling up of this column the section of the Act under which cancellation.

Goa Money-Lenders Rules, 2005

FORM II

(Rule 5)

Application for the grant of licence to carry on the business of money lending

The Assistant Registrar of money-lenders:—

1. Full name of the applicant:
2. Full address of the applicant:
3. Name of the Manager and the adult coparceners of the undivided Hindu family and address in full.
4. Names of the Director, Manager or principal officers managing the bank or company, with their addresses in full.
5. Names of all persons forming unincorporated body with their addresses in full.
6. Name(s) or person(s) is full responsible or proposed to be responsible for the management of business of money-lending and their addressed in full.
7. What is the total amount of the capital which the applicant intends to invest in the business of money-lending in the year for which the application has been made?
8. Amount of licence fee paid to Government.
9. If the application is for renewal of licence, state the amount of maximum capital invested in the business during the previous year.

10. Amount of inspection fee paid to Government (enclose a copy of treasury challan.)
11. Whether the books of accounts are maintained in the prescribed forms i.e. Forms Nos. 4 to 7.
12. Details of loans advanced during the previous year.

(a) To agriculturists secured. Unsecured	No.	Amount
(b) To non-agriculturists secured. Unsecured-	No.	Amount
13. Total amount repaid by-
 - (a) agriculturists
 - (b) non-agriculturists
14. Amount of loans outstanding at the close of the year against
 - (a) agriculturists
 - (b) non-agriculturists
- 15.
16. What is the year for which the applicant's accounts are made?
17. Has the application for licence previously been made? If so, when, where and with what result?
18. In case the application has previously been granted, give the No. of licence and the name in which the money-lending business was carried on.
19. Nos. any licence granted previously to the applicant.
20. of the Court full particulars should be given including the name of the officer or the Court and the date and terms of order.
21. Is the business of money-lending is the sole business of the applicant, or is he engaged in any other business, profession or coiling? If so, state such business, profession or coiling.

Certified that the best of my knowledge and belief all facts and the information stated above are true and correct.

(Signature of applicant with date)

FORM III
(Rule 9)

Money-lender's licence

- (1) Licence Number.....
- (2) Full name and address of the money-lender.....
- (3) Full name(s) of persons responsible for the money-lending business.
- (4) Full name(s) of partners/coparceners.....
- (5) Name in which money-lending business is carried on.....
- (6) Area for which licence is valid.....
- (7) Full address of the place of business..... Taluka..... District
- (8) Period for which licence is valid From to

This licence has been granted subject to the provisions of the Goa Money Lenders Act, 2001 and the rules made thereunder.

The licensee shall surrender the licence when ordered to by the Registrar granting it or by the Government or by a Court.

(Seal)

Date:

Registrar of

Endorsement if any :—

Signature:

Remarks:

FORM III-A
(Rule 16)

Notice

Upon inspection of records and documents of Shri/Shrimati of Taluka District who was carrying on the business of money-lending without a valid licence at the property described in the Schedule hereto was found in the possession of the said Shri/Shrimati.

The said property was pledged to him as security for the loan advanced by him/her.

The said property is now in the custody of the undersigned for being returned to the debtor(s), who had pledged, it or, where the debtor(s) is/are dead, to his/their heirs.

Notice is, therefore, hereby given that the debtor who had pledged the said property to the said Shri/Shrimati or his/her heirs should present his/her claim in writing with necessary evidence to the undersigned between 10.30 a.m. to 5.30 p.m. on any working day within 20 days from the date of publication. The claims received thereafter will not be entertained and the property shall stand forfeited to the State Government under sub-section (4) of section 19 of the Goa Money Lenders Act, 2001.

The said property will be open for inspection by the concerned from to during working hours.

SCHEDULE

(Here give description of the property)

(Signature) (.....)
Registrar of Money Lenders, District
(Full address)

FORM IV

(Rule 17)

Cash Book

Receipts Disbursements

Date	Particulars	Ledger Folio	Amount	Date	Particulars	Ledger Folio	Amount
Rs. P.							
	Brought forward	6,000.00		1945			
Aug. 2	Interest received from			Aug. 2	Lent to ... Rupees five	5000.00	5000.00
	On the mortgage bond, dated... .. from				thousand and interest percent per annum		
	to	25.00	6,025.00		by balance C/F		1,625.00
Aug. 3	To balance B/F	1,025.00					6,625.00

In case of loans in kind the entry shall contain clear reference to the commodity advance with market value of the same at the date of each transactions.

Carried over

FORM VII
(See Rule 18)

Name and address of the debtor

Ledger Amount			Ledger Folio No.	
Date	Principal amount borrowed debited	Amount of fees due in respect of supply of statement and para books of debts	<u>Amount repaid or credited</u>	
			Principal Interest	Fees for statement and para books of debts
(1)	(2)	(3)	(4)	

<u>Balance due after each transactions</u>				<u>Details of calculation of interest</u>		
Principal	Interest	Fee for Statements and para books of debts	Principal due	Months	Amount of interest recovered	Remarks
(8)	(9)	(10)	(11)	(12)	(13)	(14)

FORM VIII
(Rule 18)

Statement showing the details of collection of the loan

Name of debtor ...

Address. ...

The number of the Ledger Account or Ledger Folio.

- (1) Amount of loan ...
- (2) Date of loan ...
- (3) Date of maturity of loan, if ...
- (4) Rate of interest per annum ...
- (5) Nature and particulars of (weight, estimated value, etc.)
- (6) Particulars of documents, if any ...
- (7) Any special conditions on which the loan has been made ...

Date

Signature of the money-lender

Receipt

Towards Interest ... Rs. P.
(date) to

Signature of the money-lender

(Rule 18)

Counterfoil	Receipt to be given to the debtor
(1) Full name of the debtor and his full address.	(1) Full name of the debtor and his full address.
(2) Caste (if he/she belongs to backward class).	(2) Caste (if he/she belongs to backward class).
(3) Full particulars of the security.	(3) Full particulars of the security.
(4) Estimated value.	(4) Estimated value.
(5) Total amount of loans advanced.	(5) Total amount of loans advanced.
(6) Other connected information.	(6) Other connected information.
Signature of the debtor	Signature of money-lender or the person responsible for the money-lending business.

N. B.—In case of valuable articles weight of the article, etc. should be given against item No. 3 above.

FORM XI
(Rule 19)

Date	Total amount of repayments of loan	Page No. of the cash book	Total amount of loan advanced	Page No. of the cash book	Net total amount remained invested in the money-lending business
	Rs.		Rs.		Rs.
1st Aug. 1959	—		50,000	—	50,000
2nd Aug. 1959	5,000	1	6,000	1	51,000
3rd Aug. 1959 and so on	8,000	2	2,000	2	45,000

Amount remained invested at the end of the last year.

FORM XII
(Rule 20)

Statement of Accounts to be delivered by the money-lender to the debtor within sixty days after the close of the year

- (1) Name of the debtor
- (2) Occupation
- (3) Address
- (4) Whether the debtor belongs to Backward class..... Yes/No
- (5) No. of Ledger Account or Ledger Folio ...
- (6) The amount of principal, the amount of interest and the amount of fees referred to in Section 19, separately due to the money-lender at the beginning of the year.
- (7) The total amount of loans advanced during the year.
- (8) The total amount of repayments received during the year.

<u>Principal</u>	<u>Interest</u>
Rs.	Rs.
- (9) The amounts of principal and interest due at the end of the year.

<u>Principal</u>	<u>Interest</u>
Rs.	Rs.

Name and address of the money-lender.
No. of Licence
Date

Signature of the money-lender

FORM XIII
(Rule 20)
Pass Book
Cover page

Name of the money-lender :

His address :

Licensed money-lender under the
Goa Money-Lenders Act, 2001 :

Name of the debtor :

His address :

Occupation : Agriculture/Industrial/Commercial/Miscellaneous.

Whether he/she belongs to Backward Class Yes/No.
Explanation:—

(i) Agricultural loan means loan given for production of crops for cultivation and for other allied purposes in connection with agriculture.

(ii) Industrial loans means loan given for manufacturing purposes.

(iii) Commercial loan means loan given for trade i.e., buying and selling goods or other property movable or immovable.

(iv) Personal loan means loan given for paying of old debts, marriage ceremonies, religious ceremonies, personal needs, etc.

(v) Miscellaneous loan includes loan for purposes not covered by (i) to (iv) above.

Contents of the Pass-Book

Name of the money-lender Name of the debtor

His address His address

Occupation.....

Sr. No.	Date, Month & Year	Amount of loan advanced	Nature of security particulars of documents & special conditions if any	Rate of interest	Date of maturity	Total amount repaid by the debtor
1	2	3	4	5	6	7

Amount repaid by the Debtor now credited		Balance to be recovered from the debtor		Signature of money-lender	Remarks
Principal	Interest	Principal	Interest		
8	9	10	11	12	13

Form XIV

(Rule 20)

Pass-Book

Cover Page

- (1) Name of the licensed money-lender:
- (2) His/her address:
- (3) Name of the Debtor:
- (4) His address:
- (5) Occupation of the Debtor:
- (6) Whether he belongs to Backward Class: Yes/No.

(Contents of the Pass-Book)

Credit				Debit			
Amount	Date	Particulars	Signature of money- -lender	Amount	Date	Particulars	Signature of money- -lender

Annual Abstract

Total payment
Principal and Interest

Total receipt

Signature of the money-lender

Form XV

(Rule 21)

Please take notice under clause (a) of sub-section (1) of section 33 of the Goa Money-lenders Act, 2001 that pursuant to the agreement

the loan
the balance of loan

made by me with you to assign advanced to Shri
interest on the loan

.....
balance of interest on the loan

Address:

Together with accrued interest/balance of interest and benefits of the agreement under which the aforesaid loan was given to the debtor as well as security in respect of loan/interest on loan, you will be subject, with effect from to the provisions of the Goa Money-lender's Act, 2001.

Signature of the Money-lender
Prior assignee of the money-lender

Date:

Form XVI

(Rule 21)

Statement of information to be supplied to the assignee under clause (b) of sub-section (1) of Section 33 of the Goa Money-Lenders Act, 2001.

Name of the Money-lender including
subsequent assignees, if any and his/
/their address/addresses.

Name of debtor ...
Address

1. Date of loan ...
2. Amount of loan ...
3. Rate of interest per annum ...
4. Amount of fees due in respect of supply of debts.
5. Total repayments made by the debtor up-to-date-
 - (a) Principal ...
 - (b) Interest ...
 - (bb) Fee for supply of statement of debts ...
 - (c) Total ...
6. Amount outstanding on
 - (a) Principal ...
 - (b) Interest ...
 - (bb) Fee for supply of statement of debts ...
 - (c) Total ...
7. Nature and value of the security particulars of documents including previous assignments, if any.
Any special conditions attaching to the loan.
List of documents of which copies are attached-
Other information, if any

Signature of Assignee Money-lender
Address:
Date:

Form XVII

(Rule 22)

.....
Debtor

Please take notice under clause (c) of Section 33 of the Goa Money-lenders Act, 2001 that I propose to make an assignment of the loan.....

balance of loan
.....advanced to you on together with
interest on loan
.....

balance of interest on loan
accrued interest

..... and benefits of the agreement under the aforesaid loan as well as security taken in respect of the loan
interest on the loan

.....
(Name of the assignee)

.....
(address of the assignee)

.....
(dated)

..... with effect from and that from the date of such assignment,
the assignee shall examine all rights and shall have all the liabilities under the provisions of the Goa Money Lenders
Act, 2001,

Signature of Money-Lender

Address

Signature of prior assignee of the Money-lender

Address

Form XVIII

(Rule 22)

Application to a Court under sub-section (1) of section 36 for taking
in the Court of

Misc. Case No. of

The undermentioned debtor applies for taking amounts of the loan described below and for declaring the amount
due to the Money-lender.

Particulars of loan

- | | |
|---------------------------------------|--------|
| 1. Document, if any, with particulars | ... |
| 2. Amount | ... |
| 3. Description of the Money-lender | ... |
| (a) Name... | |
| (b) Father's name | |
| (c) Address | |
| 4. Description of the debtor | |
| (a) Name... | |
| (b) Father's/Husband's name | |
| (c) Address | |

Date:

Signature